

REMARKS

Claims 1-22 are currently pending in this application.

At page 3 of the Official letter, the Examiner rejected claims 1-14 and 18-22 under U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,686,693 to Ritter (hereinafter "Ritter"). However, the arguments presented on pages 3-7 of the Office Action seem to reject claims 1-7 and 9-22 as being anticipated by Ritter. It is assumed that the Examiner intended to reject claims 1-7 and 9-22 as being anticipated by Ritter. The Examiner's arguments have been carefully considered. However, the rejection is respectfully traversed.

Independent claim 1 recites a sound masking system for controlling the ambient noise level in a physical environment. The sound masking system includes a communication network spanning at least a portion of the physical environment. Some of the sound masking units include a communication interface for coupling the sound masking units to the communication network. The control unit has a communication interface for coupling the control unit to the communication network. Ritter does not disclose or teach a communication network linking a communication interface of a sound masking unit with a control unit. Ritter discloses "a hand-held controller 100 operable by transmission of a radio signal to receiver 60 to control the emission of a masking noise." (Column 4, ll. 24-26) Nowhere does Ritter refer to the "transmission of a radio signal to receiver 60" as a network. In fact, only one receiver 60 can receive the transmission at any given time. Ritter states that

the “controller 100 is preferably the one and only controller provided to control any of a plurality of attenuators... limiting the operation of controller 100 to a short range allows the office manager or the like to physically move through the zones of masking and to control the operation of the individual units to achieve both custom operation as required for individual and to account for any acoustic sinks such as rugs or furniture in the zone, and also to achieve a smooth transition between zones.” (Column 5, ll. 45-64) As such, Ritter discloses a handheld transmitter 100 and a number of isolated “individual units.” Ritter fails to disclose or teach a communication network.

Additionally, claim 1 recites that the control unit transmits signals over the communication network to the sound masking units. The signals include control signals for selectively controlling the operation of the sound masking units and one or more sound masking signals for producing a sound masking output at one or more of the selected sound masking units. The Examiner points to the remote control 100 of Ritter as the control unit. Ritter does not disclose or teach that the controller 100 generates the masking signals. In contrast, Ritter states that noise source 20 generates the noise. (Column 1, ll. 23-53) The noise source 20 is part of the “packaged individual units for emission.” (Column 5, ll. 52-53) Ritter fails to disclose or teach a controller that produces one or more sound masking signals. Claim 1 is patentable and not anticipated because Ritter fails to disclose or teach each and every feature recited in claim 1.

Independent claim 15 contains some of the same features as independent claim 1. It is submitted that claim 15 is patentable and not anticipated for at least the same reasons provided above with respect to claim 1.

Independent claim 19 recites some of the same features as claims 1 and 15. Claim 19 is patentable and not anticipated for at least the same reasons as claims 15 and 1.

Claims 2-7, 9-14, 16-18 and 20-22, dependent on one of claims 1, 15 and 19, are patentable at least for the reasons stated above with respect to claims 1, 15 and 19.

Applicants respectfully request that the Examiner withdraw this art grounds of rejection.

The Examiner has rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Ritter in view of U.S. Patent No. 6,594,365 to Eatwell (hereinafter "Eatwell"). The Examiner's argument has been carefully considered and is respectfully traversed.

Ritter concerns a remotely controlled sound masking system (Technical Field). In contrast, Eatwell concerns identifying a mathematical model related to an acoustic system (Technical Field). Eatwell and Ritter are related to different fields of endeavour and address different problems. Therefore, there is no motivation for one skilled in the art to combine the teachings of these references. Furthermore, even if one skilled in the art were to combine the teachings of Ritter with Eatwell, it is readily apparent from even a cursory

review of Eatwall that Eatwell does not overcome the disclosure and suggestion deficiencies of Ritter with respect to claim 1. Therefore, claim 8, dependent on claim 1, is patentable at least for the reasons stated above with respect to claim 1.

With reference to the Examiner's provisional double-patenting rejection, it is submitted that the present invention as defined by independent claims 1, 15 and 19 comprises a networked sound masking system in which the sound masking signal is generated at a central location. This is not the same as the networked sound masking systems being claimed in the co-pending patent application nos. 10/646,734 and 09/791,802.

CONCLUSION

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at number listed below.

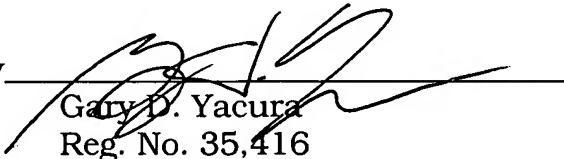
Pursuant to 37 C.F.R. 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application, and the required fee of \$120.00 is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By


Gary D. Yacura
Reg. No. 35,416

GDY:jcp

P.O. Box 8910
Reston, VA 20195
(703) 668-8000